

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:16-cv-00234-RJC

JESSICA LEE KELLEY,)	
)	
Plaintiff,)	
)	
v.)	
)	<u>ORDER</u>
CAROLYN W. COLVIN,)	
Acting Commissioner of)	
Social Security Administration,)	
)	
Defendant.)	
)	

THIS MATTER comes before the Court on Plaintiff's Motion for Attorneys' Fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412, filed on November 1, 2016. (Doc. No. 10). Plaintiff styles her motion as a consent motion but has not indicated that Defendant has consented to this Motion other than through the title of the motion. Nonetheless, Defendant has not objected to the requested fees and the time for doing so has expired. Having reviewed the Motion, supporting exhibits, and the case file, the Court determines that Plaintiff should be awarded attorneys' fees under EAJA, 28 U.S.C. § 2412(d), in the amount of \$1,376.24.

IT IS, THEREFORE, ORDERED that Plaintiff's Motion for Attorneys' Fees, (Doc. No. 10), is **GRANTED**. The Court will award attorneys' fees in the amount of \$1,376.24, and pursuant to Astrue v. Ratliff, 560 U.S. 586 (2010), the fee award will first be subject to offset of any debt Plaintiff may owe to the United States. The Commissioner will determine whether Plaintiff owes a debt to the United States. If so, that debt will be satisfied first, and if any funds remain, they will be made payable to Plaintiff and mailed to Plaintiff's counsel. If the United

States Department of the Treasury reports to the Commissioner that the Plaintiff does not owe any debt, the Government will exercise its discretion and honor an assignment of EAJA fees, and pay those fees directly to Plaintiff's counsel. No additional petition pursuant to 28 U.S.C. § 2412(d) shall be filed.

Signed: December 19, 2016

Robert J. Conrad, Jr.



Robert J. Conrad, Jr.
United States District Judge